



**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**  
2535 CAPITOL OAKS DRIVE, SUITE 300A, SACRAMENTO, CA 95833-2926  
TELEPHONE: (916) 263-2113  
FAX: (916) 263-2099  
E-mail: [geology@dca.ca.gov](mailto:geology@dca.ca.gov)  
Website: [www.dca.ca.gov/geology](http://www.dca.ca.gov/geology)



## **MINUTES OF THE MEETING OF THE BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

**April 23, 2004**

**2535 Capitol Oaks Drive  
Sacramento, CA 95833-2926**

### **1. CALL MEETING TO ORDER**

Craig Copelan, President, called the meeting to order at 8:30 am.

### **2. ROLL CALL TO ESTABLISH QUORUM**

Craig A. Copelan, President  
Robert A. Matthews, Ph.D., Vice President  
William E. Black  
Claude D. Fiddler

Others in attendance:

George Dunfield, Acting Executive Officer  
Patricia Canterbury, Assistant Executive Officer, BPELS  
Gary Duke, Legal Counsel, Department of Consumer Affairs (DCA)  
Tony Sawyer, Chair, Technical Advisory Committee (TAC)  
Jonathan Kuespert, Legislative Committee Member  
Elizabeth Mathieson, Chair, Enforcement Oversight Committee (EOC)  
Trinda Bedrossian, California Geological Survey  
Frank Reichmuth, Assistant Executive Officer, NCRWCB  
Dave Parson, NCRWQCB staff member  
Phil Wyles, NCRWQCB/SWRCB Legal Counsel  
Laura Cathcart-Dodge, Exam Committee  
Sara Bierl, Center for Public Interest Law (CPIL)  
Rick Rempel  
Seena Hoose, TAC  
John Powell  
James Bond  
Rose Marquez-Bond  
Buzz Spellman  
Richard Bailey, Chief, REA Program, DTSC Cal/EPA  
Diana Dickerson

Absent: Board Member Jeffrey T. Schmidt

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the  
Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California*



**3. Presentation of Certificate of Appreciation to Betsy Mathieson**

Presentation of certificate of appreciation to recognize Elizabeth Mathieson for outstanding service provided to the Geologists and Geophysicists Board (Board) and the regulated community as chair of the Enforcement Oversight Committee (EOC). Dr. Matthews commended Ms. Mathieson for her efficiency.

**4. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Board President Copelan introduced section by describing that Mr. Sweeney, Board Executive Officer has been working with the California Performance Review (CPR) and was glad that Mr. Sweeney was representing the Board at CPR. Mr. Copelan also congratulated and thanked Mr. Dunfield for his excellent performance as Acting Executive Officer.

**5. APPROVAL OF THE MINUTES OF THE BOARD MEETING OF DECEMBER 5, 2003 BOARD MEETING.**

**Dr. Matthews moved to approve the minutes of the open and closed sessions of the December 5, 2003, meeting with a word substitution of graduation for matriculation.**

**Mr. Black seconded.**

**The motion passed unanimously.**

**6. SELECTION OF NEW COMMITTEE MEMBERS**

David Bolin was appointed to the Exam Committee.  
D. Scott Magorien was appointed to the EOC as an alternate.  
Joseph Mello was appointed to the TAC.

**7. CONSIDERATION OF REINSTATEMENT OF JOHN POWELL EXPIRED RG AND CEG LICENSE**

Mr. Dunfield pointed out that the Board has issued citations in cases similar to Mr. Powell when reported to the Board but in this case Mr. Powell had voluntarily approached the Board and asked for and was given a Board reinstatement petition meeting Agenda Item by Mr. Sweeney. Mr. Duke pointed out that the board is constrained by §7884, which indicates that the Board may not reinstate a previously cancelled license. Mr. Duke further described that the Board may waive its application fees for examination re-issuance of a licensed that has been cancelled.



**Dr. Matthews moved to waive application fees for Mr. Powell.**

**Mr. Black seconded.**

**The motion passed unanimously.**

**8. CONSIDERATION OF MR. RONALD WYATT RECIPROCITY REQUEST UNDER §7847 OF THE GEOLOGISTS AND GEOPHYSICISTS ACT**

Mr. Duke affirmed that the Board has jurisdiction to grant a license to an individual holding a geologic license in any state under §7847 during a presentation of Board license issuance rulings from the 1970's to the present. Mr. Duke indicated that the Board's prior policy could have been criticized as an underground regulation. Mr. Wyatt holds a license in the state of Pennsylvania granted in 1993 by grandparenting. At the request of Board President Copelan, professional members, Dr. Matthews, Mr. Fiddler, and Mr. Black discussed the policy of granting licenses under §7847 and were unanimously in favor of license issuance under §7847 on a case-by-case basis. Mr. Duke describes that it was perfectly acceptable to review the requests on a case-by-case basis with the option open to promulgate regulations, if needed.

**Mr. Black moved to grant Registered Geologic license to Mr. Wyatt.**

**Mr. Fiddler seconded.**

**The motion passed unanimously.**

Board President Copeland instructed Mr. Dunfield to inform Mr. Wyatt of the Board's license issuance.

**9. CONSIDERATION OF ROSE MARQUEZ-BOND RECIPROCITY REQUEST UNDER §7847 OF THE GEOLOGISTS AND GEOPHYSICISTS ACT**

Ms. Marquez-Bond holds a professional geologists license in the State of Washington No. 2393 and was educated at Humboldt State. The Board discussed setting the minimum standard for §7847 reciprocity applications at cases similar to Ms. Marquez-Bond.

**Dr. Matthews moved to grant Registered Geologic license to Ms. Marquez-Bond.**

**Mr. Fiddler and Mr. Black seconded.**



**The motion passed unanimously.**

Board President Copeland directed Mr. Dunfield to provide Ms. Marquez-Bond with Registered Geologist licensing documentation.

**10. STATUS UPDATE OF REA CASE REFERRALS TO DTSC**

Mr. Dunfield conveyed a message from Linda Jannsen (new program manager for the REA Program) that she has re-evaluated the Board REA referral cases to DTSC and will be re-opening the previously closed cases.

Board President Copelan reported that these efforts represent a positive development since the last Board meeting. Board President Copelan directed staff to continue working with DTSC to monitor the six previously submitted complaints to the REA Program staff.

Due to time constraints Pat Canterbury reported on Board staffing levels at this time. Ms. Canterbury reported that she was working with staff to develop a more equitable and appropriate workload distribution with existing staff and is writing a justification to have a retired annuitant to insure that the Board office is staffed with at least two persons each workday.

**11. LEGISLATIVE COMMITTEE REPORT**

Board President Copelan indicated that geologic registration, in conjunction with an excellent enforcement program, is very good for consumers of California and providing incentives for individuals seeking licensure is an imperative role for the Board. A discussion of the Geologist in Training (GIT) proposal and Registered Geologist (RG) proposed title change to Professional Geologist (PG) followed. It was decided that the Board continue to move toward nationally recognized standards of professional geologic licensure by continuing to pursue the more nationally recognized title of PG and GIT proposals.

The Board President also reported on the concerns raised by the REA and REHS program staff; subsequently directing Mr. Dunfield to hold the proposal for an REA or REHS program mergers with the BGG in abeyance until the fall 2004 Board meeting.

**12. UPDATE ON FOREST PRACTICE ISSUES**

Mr. Dunfield reported that the Board staff was seeking to bring the California Geological Survey (CGS) and the North Coast Water Quality Control Board (NCRWCB) together to resolve CGS's concerns regarding the effective oversight and technically based review of professional geologic work at the NCRWCB. Frank Reichmuth, Assistant Executive



Officer NCRWCB Board said that he directed staff to insure that any interpretive geologic work be overseen by an appropriately licensed Registered Geologist or Civil Engineer. Board President Copelan confirmed with Mr. Reichmuth that if additional concerns were received from sister agencies regarding effectiveness of the NCRWCB's oversight of professional-level work, the NCRWCB would address them to insure high professional standards were upheld. William Short of the CGS reiterated CGS's position that all public and private parties should uphold professional geologic standards during project reviews including geologic interpretations. The board was unanimously pleased that effective resolution of this matter was being pursued with the parties and requested an update during the August 13, 2004 Board meeting.

### **13. EXECUTIVE OFFICER'S REPORT**

Kevin Peterson, Manager of Budgets DCA Boards and Sandy Brown, Board Budget Analyst from the DCA budget office presented a comprehensive annual budget history and future budget projection with actual and expected expenditures for the last five years. Mr. Peterson also gave a budget process overview from fiscal year 1997-1998 to the present. The Department of Finance (DOF) required that the Board maintain a savings reserve due to the Board revenues not keeping pace with Board expenditures.

In the context of Board's already critically depleted staffing level and increasing Attorney General (AG) costs, Mr. Peterson strongly recommended submitting Budget Change Proposals (BCP's) for increases in staffing and overhead costs such as AG's fees. Mr. Peterson also noted that the Board is under greater fiscal pressure due to its licensee population decrease over time (instead of growing as other Boards and Bureaus).

#### **The Board moved to Agenda Item 23: CONSIDERATION OF DRAFT LICENSE FEE REGULATIONS**

Mr. Peterson encouraged raising the fees as soon as possible. A discussion of raising the fees on an emergency basis to \$200 annually for licenses and \$50 annually for certifications followed.

**Dr. Matthews moved approving the Fee increase language as proposed on an emergency rulemaking basis.**

**Mr. Fiddler seconded.**

**The motion passed unanimously.**



The Board directed staff to pursue the approved fee increase language on an emergency basis.

### **The Board returned to agenda Item 13: EXECUTIVE OFFICER'S REPORT**

Mr. Dunfield reviewed the Board staffing conditions and the newly proposed BCPs projected for Fiscal Year 05-06. Mr. Dunfield described efforts to work with Pat Canterbury to acquire additional personnel resources and also efforts to recruit volunteers. Trinda Bedrossian has been processed as a part-time Board volunteer.

Board infrastructure and logistics are affected by the longer-term cut-backs detailed by Mr. Peterson - for example the Boards copy machine has already exceeded in design life by over 100 percent.

Mr. Dunfield reported the increased outreach effectiveness; the Board was offered new opportunities to present various public and private organizations including a full scholarship awarded to Mr. Dunfield to participate in the Cal/EPA Cross-media Symposium; due to the critical staff shortage, Kevin Flannigan from DCA Communications Office attended the symposium on the Boards behalf; Mr. Flannigan highly recommended Board participation in the symposium next year. Another new opportunity offered to the Board was the San Francisco Regional Water Quality Control Board (SFRWQCB) Dry Cleaner Symposium; the Board was offered a booth at this symposium gratis but was unable to attend due to the staffing shortage.

The Board received a commendation letter for Mr. Dunfield by a member of the public for his excellent service.

Mr. Dunfield reported that Mr. Sweeney was selected for the California Performance Review (CPR) with great hopes that Mr. Sweeney will be able to contribute to the efficiency of California state government; the Board has received a CPR survey requesting an information profile of the Board.

### **14. WEBPAGE ENFORCEMENT ACTION SUMMARY APPEAL/BOARD ENFORCEMENT PROCESS**

Diana Dickerson wish to address two items with the Board; her Citation and Fine website enforcement action summary notice and the Board's enforcement process. Ms. Dickerson reiterated concerns regarding the enforcement process previously presented to Board staff and included in the Board packet. Ms. Dickerson indicated that she had hoped that after the website enforcement action summary notice was made acceptable to



her that this matter would be ended.

Ms. Dickerson requested that the Board webpage enforcement action summary be modified by deleting the portion of the summary “and conducted analyses that included inaccurate analytical laboratory data interpretation and/or faulty analytical laboratory data reduction or reporting.” and including the date of the certified report containing the errors.

## **15. LEGAL REPORT**

Gary Duke described the history of the Board policy of posting of Citation results and discussion followed regarding what level of detail a Citation summary should be presented on the webpage. Mr. Duke recommended that the Board split the enforcement action summaries into two portions “Administrative Actions” and “Disciplinary Actions”. Mr. Sawyer strongly recommended continuing to post enforcement actions summaries for their educative value for both the scope and who was responsible for completing the work cited.

Board unanimously directed staff to modify Ms. Dickerson webpage posting by deleting “and conducted analyses that included inaccurate analytical laboratory data interpretation and/or faulty analytical laboratory data reduction or reporting.” and including the date of the certified report containing the errors as requested by Ms. Dickerson.

## **16. Enforcement report**

Mr. Dunfield reported the Board currently has 56 open enforcement cases representing an increase in enforcement case backlog due to further enforcement staff redirection during its peak season. California Attorney General (AG) costs have increased primarily due to the costs of defending a case (costs of \$86,210; the Board subsequently won and is asking for cost recovery) but also increased AG costs from preparation and prosecution of Accusations for the Board. 53 percent of the complaint cases are currently from environmental sectors of geology.

Enforcement Program Details:

10 New cases opened;

1 Case referred to technical experts;

2 Citation and Fine Orders issued;

5 Cases under review with the Office of the Attorney General (AG) (one unlicensed individual and four licensees);



- 1 Joint BGG other DCA Board Investigation; and
- 6 Cases closed.

1. Enforcement Issues and Informational Items discussed:

The Board issued a citation and fine of \$2,500 to Craig Erdman, Registered Geologist No. 6453, Certified Engineering Geologist No. 2026 for violations of Business and Professions Code §7860(b) and section 7860(c) and for violation of section 3065(a)(2) of Title 16, California Code of Regulations (CCR).

The Board issued a citation and fine of \$250 to Diana Dickerson, Registered Geologist No. 6013, for violation of §§7860(b) and 7860(c) of Geologist and Geophysicist Act and for violation of section 3065(a)(2) of Title 16, CCR.

The Board issued a citation and fine of \$2,500 to Susan Kline for violation of section 7872(a) (Business and Professions Code §7872(a) of the Geologist and Geophysicist Act. According to Board records, Ms. Kline was at all times relevant not licensed by the Board as a Registered Geologist and thereby authorized to practice geology in the State of California.

Cal/EPA complaint referrals and new cooperative professional practice issue resolution efforts (background in Board Agenda Items 11 and 12).

**17. ENFORCEMENT OVERSIGHT COMMITTEE REPORT**

Elizabeth Mathieson reported the Enforcement Oversight Committee (EOC) met on March 26, 2004 and reviewed 34 closed cases. The enforcement oversight committee workplan was also updated at the committee meeting. A discussion of Mr. Duke's recommendation to modify the Boards enforcement webpage to include Administrative Action and Disciplinary Action sub-sections followed.

**Mr. Black moved to modify the Boards enforcement webpage to include Administrative Action and Disciplinary Action sub-sections.**

**Mr. Fiddler seconded.**

**The motion passed unanimously.**

**18. CLOSED SESSION**



**19. REPORT ON RESULTS OF CLOSED SESSION**

The Board took no action on Superior Court of the State of California for the County of Orange Case No. 02CC17018.

**20. EXAMINATION COMMITTEE REPORT**

Cathcart-Dodge reported that the Committee met on February 6, 2004 to finalize the Board's examinations that were used in the Boards March 6, 2004 license testing. A discussion took place regarding the potential use of teleconferencing for committee meetings.

**21. SUNSET REVIEW PROCESS REPORTING**

Mr. Dunfield outlined the sunset review reporting process, by each of the six Board-specific required response items, and reported that staff had been directed to collect the Board sunset review committee statistics on the different Board programs for Part 1.

**22. TECHNICAL ADVISORY COMMITTEE REPORT**

Tony Sawyer reported that the TAC discussed the professional practice of geology vs. technician-level of work for groundwater and landslide geologic services. Mr. Sawyer offered to put together an informational fact sheet on the SB 1914 PG and GIT proposals and identify stakeholders for the August 13, 2004 meeting. The committee planned to meet again on July 30, 2004 to further refine the case studies.

**23. ANNOUNCEMENTS/ACTIVITIES OF BOARD MEMBERS**

Mr. Black commended Mr. Dunfield on the job conducting the work of the Board and Mr. Duke for his legal services support of the Board.

Board President Copelan invited Mr. Buzz Spellman to speak. Mr. Spellman also commended Mr. Dunfield on the job he has done and discussed a letter of opposition to SB 1079 (now passed into law) and proposed possible amendments to the existing law.

Dr. Matthews noted that much was accomplished during this Board Meeting.

**24. Agenda for August 13, 2004 Board Meeting Established**

Items must be submitted to Board office no later than July 9, 2004 for consideration.



**25. ADJOURN MEETING**

Craig Copelan adjourned the meeting at 3:15 PM.

---

**CRAIG A. COPELAN, P.E., BOARD PRESIDENT**

---

**Paul Sweeney, BOARD EXECUTIVE OFFICER**

**Date Approved:**